

Before the  
**Federal Communications Commission**  
Washington, D.C. 20554

In re Petition of	)	CSR-	
	)		
<b>TIME WARNER CABLE INC.</b>	)	<b>PSID #002580</b>	
	)	Chillicothe, City of	OH0025
For Determination of	)	Bainbridge, Village of	OH0304
Effective Competition	)	Frankfort, Village of	OH0978
	)	Portsmouth, City of	OH0100

To: Chief, Media Bureau

**PETITION FOR SPECIAL RELIEF**

Time Warner Cable Inc. (“Time Warner Cable”), by its attorneys, and pursuant to Sections 76.7, 76.905(b) and 76.907 of the Commission’s rules,<sup>1</sup> hereby petitions the Commission for a finding that Time Warner Cable’s cable television system serving the above-captioned communities (unless otherwise noted, individually “Franchise Area” and collectively “Franchise Areas”) is subject to effective competition<sup>2</sup> and therefore exempt from any rate regulation imposed pursuant to Section 623 of the Communications Act of 1934 (the “Act”).<sup>3</sup>

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<sup>1</sup> 47 C.F.R. §§ 76.7, 76.905(b), 76.907.

<sup>2</sup> Pursuant to Section 76.910 of the Commission’s rules, rate regulatory authority may be exercised only by a local franchising authority (“LFA”) that has been properly certified. 47 C.F.R. § 76.910. To the extent that any political subdivision covered by this petition is an LFA and has been certified to regulate rates in accordance with the Commission’s rules, Time Warner Cable respectfully requests that the Commission revoke such certification pursuant to Section 76.914(c). 47 C.F.R. § 76.914(c). To the extent that franchising responsibilities of any political subdivision covered by this petition have been reassigned to another governmental body, *e.g.*, pursuant to legislation providing for state-issued franchises, then that political subdivision is no longer an LFA and obviously would no longer have rate regulatory authority. In such event Time Warner Cable is nevertheless seeking an effective competition determination to achieve the full competitive flexibility associated therewith.

<sup>3</sup> 47 U.S.C. § 543. Time Warner Cable requests that, consistent with Commission precedent, any FCC grant of effective competition in the Franchise Areas be effective as of the date of filing of this petition. *See, e.g., Altrio Communications, Inc. v. Adelphia Communications Corporation*, 17 FCC Red 22955, ¶ 5 (Med. Bur. 2002) (Commission order released September 26, 2002 found that Adelphia was subject to effective competition in the Arcadia, California franchise area as of October 1, 2001).

**I. TIME WARNER CABLE IS SUBJECT TO LOCAL EXCHANGE CARRIER EFFECTIVE COMPETITION IN CHILLICOTHE, BAINBRIDGE AND FRANKFORT**

Pursuant to Section 623(1)(1)(D) of the Act (the “LEC Test”), a cable system is considered to be subject to effective competition (and therefore exempt from rate regulation) where

a local exchange carrier [“LEC”] or its affiliate (or any multichannel video programming distributor using the facilities of such carrier or its affiliate) offers video programming services directly to subscribers by any means (other than direct-to-home satellite services) in the franchise area of an unaffiliated cable operator which is providing cable service in that franchise area, but only if the video programming services so offered in that area are comparable to the video programming services provided by the unaffiliated cable operator in that area.<sup>4</sup>

This Commission has incorporated this test in Section 76.905(b)(4) of its rules.<sup>5</sup> As shall be shown below, the LEC Test is met in Chillicothe, Bainbridge and Frankfort (the “Three Franchise Areas”) due to the presence of Chillicothe Telephone Company d/b/a Horizon Telcom (“Horizon”), the incumbent local exchange carrier in each of the Three Franchise Areas, which also provides a “Digital Cable” multichannel video service to households located therein.

**A. Horizon Is A Local Exchange Carrier**

The first prong of the LEC Test requires a showing that Horizon is a local exchange carrier or is affiliated with one.<sup>6</sup> Horizon is the incumbent local exchange carrier in each of the Three Franchise Areas,<sup>7</sup> and both Horizon’s own webpage ([www.horizontel.com](http://www.horizontel.com)) and its promotional materials plainly state that Horizon provides local and long distance telephone service to residents of the Three Franchise Areas.<sup>8</sup> Horizon is also registered with the Ohio

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<sup>4</sup> 47 U.S.C. § 543(l)(1)(D).

<sup>5</sup> 47 C.F.R. § 76.905(b)(4).

<sup>6</sup> 47 U.S.C. § 543(l)(1)(D).

<sup>7</sup> Horizon’s tariff filing listing all of its local exchange and other telecommunications service offerings is available online at <[http://www.horizontel.com/horizon/images/uploads/regulatory\\_information.pdf](http://www.horizontel.com/horizon/images/uploads/regulatory_information.pdf)>.

<sup>8</sup> Exhibit A, Horizon Marketing Materials distributed in the Franchise Areas. *See also* Horizon’s website at <[http://www.horizontel.com/horizon/index.php/residential/digital\\_cable/](http://www.horizontel.com/horizon/index.php/residential/digital_cable/)>, which provides customers with service offerings, pricing and other information to sign up for its Digital Cable services.

Public Service Commission as a local exchange carrier in each of the Three Franchise Areas.<sup>9</sup>

Accordingly, there can be no doubt that Horizon is a local exchange carrier.

**B. Horizon's Multichannel Video Service is Offered In The Three Franchise Areas**

Service of a multichannel video programming distributor ("MVPD") is deemed to be offered for purposes of effective competition

(1) [w]hen the multichannel video programming distributor is physically able to deliver service to potential subscribers, with the addition of no or only minimal additional investment by the distributor, in order for an individual subscriber to receive service; and (2) [w]hen no regulatory, technical or other impediments to households taking service exist, and potential subscribers in the franchise area are reasonably aware that they may purchase the services of the multichannel video programming distributor.<sup>10</sup>

This prong of the LEC Test includes MVPDs that are local exchange carriers.<sup>11</sup> As demonstrated below, this prong is met in the Three Franchise Areas.

**1. Horizon Is Physically Able To Offer Multichannel Video Service To All The Households In Each Of The Three Franchise Areas.**

Horizon is physically able to provide multichannel video programming services to subscribers in the Three Franchise Areas. Horizon has confirmed that its multichannel video/cable service, marketed as Horizon Digital Cable, is currently offered to customers in each of the Three Franchise Areas, that its video delivery system is fully built out in each of the Three Franchise Areas, and that it is now able to serve virtually all of the occupied households in each ("Chillicothe offers video service throughout all of Chillicothe, Bainbridge and Frankfort").<sup>12</sup>

Given the sensitive nature of the extent of Horizon's current operations, current customer figures and the geographic scope of its service in the Three Franchise Areas, should the Bureau require

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<sup>9</sup> Exhibit B, Ohio Public Service Commission listing of local exchange carriers by community, available at <<http://www.puco.ohio.gov/apps/RegulatedCompanyList/index.cfm?IID+57>> .

<sup>10</sup> 47 C.F.R. § 76.905(e).

<sup>11</sup> *Implementation of Cable Act Provisions of the Telecommunications Act of 1996*, Report and Order, 14 FCC Rcd 5296, ¶¶ 9-15 (1999) ("Cable Reform Order").

<sup>12</sup> See Exhibit C, March 19, 2013 Email from Gerald J. Duffy, Esq. (Horizon's FCC counsel), Blooston, Mordkofsky, Dickens, Duffy & Prendergast, LLP, responding on Horizon's behalf to a Section 76.907(c) request from Time Warner Cable requesting subscriber and buildout information for the Three Franchise Areas.

additional details to confirm the extent of Horizon's operations, we hereby request, as provided in Section 76.907(c) of the Commission's rules, that the Bureau on its own motion request Horizon to produce additional detailed information regarding such matters into the record.<sup>13</sup>

Horizon has also embarked on an aggressive marketing campaign to promote its Digital Cable service in each of the Three Franchise Areas. Examples of Horizon marketing materials distributed in the Three Franchise Areas and available on the Internet are also attached in Exhibit A. In light of the ubiquitous availability of Horizon's Digital Cable service to households in each of the Three Franchise Areas, its ongoing service and marketing activities, and the fact that it is the incumbent local exchange carrier in each, Horizon's service is indeed sufficient to meet the "physically able" requirement of the LEC Test.

**2. No Regulatory, Technical Or Other Impediments Exist For Households To Receive Horizon's Service.**

Horizon "does not face regulatory, technical, or other impediments to households" in the Three Franchise Areas taking its Digital Cable service. Horizon is authorized to provide service throughout the entirety of each of the communities pursuant to a state issued video service authorization (2007-VSA-0029) issued by the Ohio Department of Commerce which specifically authorizes operations in each of the Three Franchise Areas.<sup>14</sup> Horizon has also registered each of the three communities with the Commission (Chillicothe – CUID OH2796, Bainbridge – CUID OH27979 and Frankfort – CUID OH2798). In addition, as Horizon's marketing materials attached as Exhibit A demonstrate that residents of all the Three Franchise Areas need only contact Horizon to activate service.<sup>15</sup> These facts, coupled with Horizon's actual service to

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<sup>13</sup> 47 C.F.R. § 76.907(c) ([W]ith respect to petitions filed seeking to demonstrate the presence of effective competition pursuant to § 76.905(b)(4), the Commission may issue an order directing one or more persons to produce information relevant to the petition's disposition.). In order to respect Horizon's desire to protect such information, Time Warner Cable would not object to such information being submitted under seal or subject to a protective order, and will agree to restrict access to any submitted information to only those persons directly participating in this proceeding.

<sup>14</sup> Horizon's Ohio Statewide Video Franchise also attached as Exhibit D.

<sup>15</sup> See also Horizon's website at <[http://www.horizontel.com/horizon/index.php/residential/digital\\_cable/](http://www.horizontel.com/horizon/index.php/residential/digital_cable/)>, which provides customers with service offerings, pricing and other information to sign up for its Digital Cable service.

residents in the Three Franchise Areas, prove that there are no regulatory, technical or other impediments to the receipt of Horizon's multichannel video service by residents of the Three Franchise Areas.

**3. Potential Subscribers In The Three Franchise Areas Are Reasonably Aware That They May Purchase Horizon's Multichannel Video Service**

Under this element of the test, cable operators may rely on "advertising in regional or local media, direct mail, or any other marketing outlet" to demonstrate that potential subscribers in the franchise area are reasonably aware of the competitor's service.<sup>16</sup> Exhibit A includes Horizon advertising and marketing materials targeted to residents of the Three Franchise Areas. These materials, which include door hangers, brochures and direct mailings, have been distributed to households and residents in each of the Three Franchise Areas. These materials have served to inform residents of the existence of Horizon and its service offerings. Furthermore, as residents of the Three Franchise Areas sign up for Horizon's service, it is fair to assume that other residents throughout have become reasonably aware of Horizon's service offering.<sup>17</sup> Given these marketing efforts, as well as Horizon's actual service to homes in the Three Franchise Areas, residents are certainly "reasonably aware" that they may purchase Horizon's service.

**C. HORIZON OFFERS COMPARABLE MULTICHANNEL VIDEO PROGRAMMING IN ALL THREE FRANCHISE AREAS**

Effective competition exists where the programming offered by the MVPD competitor is "comparable" to the programming offered by the unaffiliated cable operator. Pursuant to Section 76.905(g), comparable programming exists when a competing multichannel video programming distributor offers at least twelve channels of video programming, including at least one channel

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<sup>16</sup> *Cable Reform Order* at ¶ 11.

<sup>17</sup> *See Time Warner Cable, Petition for Determination of Effective Competition*, Memorandum Opinion and Order (Orlando, FL et al.), DA 99-1651, ¶ 16 (Cable Serv. Bur., rel. Aug. 19, 1999) ("We find that potential subscribers in Orange County are reasonably aware that they may receive competing video service because of BellSouth's advertising and marketing campaign. The fact that BellSouth has a substantial number of subscribers in the franchise areas supports this finding.").

of nonbroadcast service programming.<sup>18</sup> As demonstrated by Horizon's channel lineup, included with the marketing materials provide as Exhibit B, Horizon offers over 200 channels of programming, including numerous nonbroadcast programming services such as ESPN, Home Box Office ("HBO") and CNN, as well as numerous local television broadcast stations such as WCMH(NBC), WSYX(ABC), WTTE(Fox) and WBNS(CBS). This compares closely with the programming available on Time Warner Cable's cable system. Thus, as defined by the Commission, Horizon offers comparable multichannel video programming to current and potential subscribers in the Three Franchise Areas.

Accordingly, Time Warner Cable has demonstrated that the LEC Test effective competition test has been met for the Three Franchise Areas.

## **II. TIME WARNER CABLE IS SUBJECT TO EFFECTIVE COMPETITION UNDER THE "50/15" OR "COMPETING PROVIDER TEST" IN THE CITY OF PORTSMOUTH.**

Pursuant to Section 623(l)(1)(B) of the Act, a cable system will be considered subject to effective competition (and therefore exempt from rate regulation) under the "50/15" test if, inter alia, the franchise area is:

- (i) served by at least two unaffiliated multichannel video programming distributors each of which offers comparable video programming to at least 50 percent of the households in the franchise area; and
- (ii) the number of households subscribing to programming services offered by multichannel video programming distributors other than the largest multichannel video programming distributor exceeds 15 percent of the households in the franchise area.<sup>19</sup>

As demonstrated below, effective competition exists in the City of Portsmouth because competing multichannel video programming distributors ("MVPDs"), including direct-to-home ("DTH") satellite providers such as DirecTV<sup>20</sup> and DISH Network<sup>21</sup> (collectively the "DBS

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<sup>18</sup> 47 C.F.R. § 76.905(g).

<sup>19</sup> 47 U.S.C. § 543(l)(1)(B); *see also* 47 C.F.R. § 76.905(b)(2).

<sup>20</sup> DirecTV is a registered trademark of DirecTV, Inc.

<sup>21</sup> DISH Network is a registered trademark of EchoStar Communications Corporation.

Providers”), are available to more than 50 percent, and are subscribed to by more than 15 percent, of the households in Portsmouth.

**A. Competing MVPD Services Are “Offered” in Portsmouth.**

According to the Commission’s rules, an MVPD’s service is deemed to be “offered” for purposes of effective competition:

(1) When the multichannel video programming distributor is physically able to deliver service to potential subscribers, with the addition of no or only minimal additional investment by the distributor, in order for an individual subscriber to receive service; and (2) When no regulatory, technical or other impediments to households taking service exist, and potential subscribers in the franchise area are reasonably aware that they may purchase the services of the multichannel video programming distributor.<sup>22</sup>

As demonstrated below, the DBS providers “offer” service in Portsmouth under this definition.

**1. The DBS Providers are “Physically Able” to Offer Service to Subscribers in Portsmouth.**

The Commission has repeatedly determined that DBS service is technically available throughout the continental United States due to its nationwide satellite footprint.<sup>23</sup> Therefore, the DBS Providers are “physically able” to offer service to subscribers in Portsmouth.

**2. No Regulatory, Technical or Other Impediments to Households Taking the DBS Providers’ Services Exist.**

The DBS providers’ services are deemed to be technically available in a franchise area if the footprints of their satellites cover the franchise area and there are no local regulations prohibiting reception by home satellite dishes.<sup>24</sup> As noted above, DBS services have been determined by the Commission to be available throughout the United States. Time Warner Cable is aware of no zoning restrictions in Portsmouth that would prevent potential subscribers from placing a small dish on their houses or on their properties in order to receive DBS service. Indeed, it would appear that any such restriction would violate Section 207 of the

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<sup>22</sup>47 C.F.R. § 76.905(e).

<sup>23</sup> See, e.g., *Bright House Networks, LLC, Petition for Determination of Effective Competition*, Memorandum Opinion and Order, 22 FCC Rcd 4390, ¶ 6 (Med. Bur. 2007) (“*Bright House Networks*”).

<sup>24</sup> *Implementation of Sections of the Cable Television Consumer Protection and Competition Act of 1992: Rate Regulation*, 8 FCC Rcd 5631, ¶ 32 (1993) (“*Rate Order*”).

Telecommunications Act of 1996 and Section 25.104 of the FCC's rules promulgated thereunder.<sup>25</sup> Further, the DBS providers do not need franchises to offer service to residents in Portsmouth. As such, there are no regulatory, technical or other impediments to households taking the DBS providers' service.

### **3. Potential Subscribers in Portsmouth are "Reasonably Aware" That They May Purchase the DBS Providers' Services.**

In light of the Commission's prior findings regarding the ubiquitous availability of DBS service, and in recognition of the DBS Providers' extensive national, regional and local advertising and marketing efforts through television and radio, Internet, print media and direct marketing, potential subscribers throughout Portsmouth are undoubtedly "reasonably aware" of the availability of the DBS Providers' services.<sup>26</sup> In addition, the Commission has held that the DBS Providers' extensive nationwide subscribership and growth in recent years, combined with a local DTH penetration of more than 15 percent in any given franchise area, is an accurate sign that potential subscribers within that franchise area are "reasonably aware" of the availability of the DBS Providers' services.<sup>27</sup>

Here, the presence of numerous subscribers of the DBS Providers' services in Portsmouth, as shown below, demonstrates that such individuals are all obviously aware of their ability to obtain service from a DBS Provider. Moreover, it is reasonable to assume the

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<sup>25</sup>Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996); *see* 47 C.F.R. § 25.104.

<sup>26</sup> The DBS Providers maintain comprehensive websites, [www.dishnetwork.com](http://www.dishnetwork.com) and [www.directv.com](http://www.directv.com), where consumers can learn more about local retail outlets and how to buy the necessary equipment online or through a toll-free number. *See Rate Order* at n. 104 ("[W]e believe that regional or local marketing, such as by a national or regional 800 telephone number, would suffice."). *See also id.* at ¶ 29; *Adelphia Cable Communications*, 20 FCC Rcd 20487, ¶ 6 (Med. Bur. 2005) ("*Adelphia Effective Competition Order*") (There is "no reason to require needlessly fractionalized marketing in order to ensure that a national or regional programming service is available in a particular community... [P]otential subscribers may be made reasonably aware of the availability of a competing service... through advertising in regional or local media, direct mail, or *any other* marketing outlet" (citing *Rate Order* at ¶ 29) (emphasis in original)).

<sup>27</sup> Indeed, the Commission has "found households in a franchise area to be reasonably aware that they may purchase DBS service solely based on evidence of DBS's nationwide growth and local subscriptions, without reference to advertising or other promotion." *Bright House Networks* at ¶ 6 (referencing *Adelphia Communications, et al., Nineteen Unopposed Petitions for Determination of Effective Competition in Forty-Seven Local Franchise Areas*, Memorandum Opinion and Order, 20 FCC Rcd 7503, ¶ 3 (Med. Bur. 2005)).

awareness of the availability of the DBS Providers' services only continues to increase as additional DBS dishes are prominently installed throughout Portsmouth.

Because the three factors described above have been satisfied, the DBS Providers "offer" competing MVPD services in Portsmouth.

**B. The DBS Providers Offer "Comparable Multichannel Video Programming."**

Effective competition exists where programming offered by an MVPD competitor is deemed "comparable" to the programming offered by the unaffiliated cable operator.<sup>28</sup> The programming offered by a competing MVPD is deemed "comparable" if it includes "at least 12 channels of video programming, including at least one channel of nonbroadcast service programming."<sup>29</sup> The Commission's decisions have repeatedly concluded that the DBS Providers satisfy § 76.905(g)'s comparable programming criterion.<sup>30</sup>

The programming offered by DirecTV and Dish Network, listings of which are available at [www.directv.com](http://www.directv.com) and [www.dishnetwork.com](http://www.dishnetwork.com),<sup>31</sup> includes many of the same popular nonbroadcast and broadcast programming services available on Time Warner Cable's system serving Portsmouth. The DBS Providers' programming lineups amply demonstrate that at least twelve channels of video programming are offered, including at least one channel of nonbroadcast programming service.<sup>32</sup> Thus, the DBS Providers offer "comparable" multichannel

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<sup>28</sup> 47 U.S.C. § 543(l)(1)(B)(i).

<sup>29</sup> 47 C.F.R. § 76.905(g).

<sup>30</sup> See *ACC Cable Communications, FLA-VA, LLC*, 18 FCC Rcd 7110, ¶ 6 (Med. Bur. 2003) (Town of Lake Waccamaw and Town of Tabor City, North Carolina) ("...the Commission has repeatedly concluded that the programming of DBS providers, such as DIRECTV and Dish, satisfy the Commission's [comparable] programming criterion"); *Adelphia Effective Competition Order* at ¶ 7 ("Because different sets of rules govern which stations cable operators and DBS service providers can or must carry, we have never insisted on absolute parity in station offerings. Instead, an MVPD offers 'comparable programming' if it offers 'at least 12 channels of video programming, including at least one channel of nonbroadcast service programming'"); *Time Warner Entertainment-Advance/Newhouse Partnership*, 20 FCC Rcd 15709, n. 15 (Med. Bur. 2005) (Nineteen California Franchise Areas) ("the DBS providers offer well over 100 channels, most of which are non-broadcast channels," which satisfies the comparable programming criterion).

<sup>31</sup> See *The Helicon Group, L.P.*, 17 FCC Rcd 16636, n. 8 (Med. Bur. 2002) (Barnet, Vermont) ("While Charter did not provide in its Petition a copy of EchoStar's nationwide channel lineup, which is otherwise available at [www.dishnetwork.com](http://www.dishnetwork.com), we have consistently found that the programming of both DBS providers satisfies the programming compatibility component of the competing provider effective competition test.").

<sup>32</sup> The DBS Providers satisfy the program comparability standard regardless of whether they provide local-into-local

video programming, as defined by the Commission, to actual and potential subscribers in Portsmouth.

**C. The DBS Providers Offer Comparable Multichannel Video Programming to More Than 50 Percent of the Households in Portsmouth.**

As noted above, at least one MVPD unaffiliated with the incumbent cable operator must offer comparable video programming to at least 50 percent of the households in a franchise area for the first prong of the 50/15 effective competition test to be met.<sup>33</sup> In numerous effective competition decisions, the Commission has concluded that the DBS Providers are deemed to satisfy this 50 percent threshold due to their nationwide satellite footprints.<sup>34</sup> Accordingly, since the DBS Providers offer comparable programming to greater than 50 percent of the households in Portsmouth, the first prong of the 50/15 effective competition test is satisfied.

**D. The Number of Households Subscribing to the Programming Services of Competing MVPDs Exceeds 15 Percent of the Households in Portsmouth.**

The subscriber base of any MVPD or MVPDs,<sup>35</sup> other than the largest MVPD, must exceed 15 percent of the households in a franchise area to meet the second prong of the 50/15 test. As demonstrated below, Time Warner Cable's cable system meets this threshold with respect to Portsmouth.<sup>36</sup> Time Warner Cable is the largest MVPD in Portsmouth because it has the most video subscribers there.

Time Warner Cable has used the ZIP+4 methodology previously approved by the Commission in numerous decisions to calculate the DBS Providers' subscribership in

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service. See *Falcon Telecable*, 17 FCC Rcd 22842, ¶ 4 (Med. Bur. 2002) (Four Texas Communities) (“[T]he Commission’s effective competition program comparability standard does not include a local television programming component.”).

<sup>33</sup> See 47 C.F.R. § 76.905(b)(2)(i).

<sup>34</sup> See note 9.

<sup>35</sup> See *Time Warner Entertainment Co., L.P., et al. v. FCC*, 56 F.3d 151 (D.C. Cir. 1995) (holding that the subscribership of all MVPDs, other than the largest MVPD, may be aggregated to satisfy the 15 percent threshold). See also 47 C.F.R. § 76.905(f).

<sup>36</sup> See attached Declaration of Ed Kozelek, Regional Vice President of Governmental Relations – Midwest for Time Warner Cable.

Portsmouth.<sup>37</sup> Attached as Exhibit E is a report from Media Business Corp. (“MBC”) which has identified all of the ZIP+4 zip codes that are encompassed, in whole or in part, by the City of Portsmouth by using mapping software based on data derived from the U.S. Census Bureau and the U.S. Postal Service. Attached as Exhibit F is the Census 2010 household figure (8,286) for Portsmouth. Attached as Exhibit G are reports from the Satellite Broadcasting Communications Association (“SBCA”), which has been charged with the task of providing the required DBS Provider combined subscriber data for effective competition purposes, providing the DBS Provider subscriber count (1,373) for Portsmouth and each of the identified ZIP+4 zip codes. As the DBS providers serve 16.57% (1,373 of 8,286) occupied households in Portsmouth, the DBS providers’ subscriber penetration level clearly exceeds 15%.

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<sup>37</sup> See, e.g., *Marcus Cable Associates, LLC d/b/a Charter Communications, Inc.*, DA 02-2174, 17 FCC Rcd 16652 (Media Bureau 2002) (Denton, Texas), *aff’d* 18 FCC Rcd 9762 (Media Bureau 2003); see also *Vicksburg Video, Inc. d/b/a Wehco Video, Inc.*, DA 02-2176, 17 FCC Rcd 16659 (Media Bureau 2002) (Vicksburg, Mississippi); *Kilgore Video, Inc. d/b/a Wehco Video, Inc.*, DA 02-2177, 17 FCC Rcd 16662 (Media Bureau 2002) (Kilgore, Texas); *Twelve Oregon Cities Order*.

## CONCLUSION

Because Time Warner Cable has demonstrated that it is subject to effective competition pursuant to Section 623 of the Act and Section 76.905(b) of the Commission's rules for the above-captioned Franchise Areas, Time Warner Cable respectfully requests that the Commission expeditiously find that Time Warner Cable's cable system serving those Franchise Areas is not subject to rate regulation as to basic cable service or other forms of rate regulation specified in 47 U.S.C. § 543 and revoke the LFAs' certification to regulate basic rates as appropriate.

Undersigned counsel has read the foregoing Petition, and to the best of such counsel's knowledge, information and belief formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification or reversal of existing law, and is not interposed for any improper purpose.

Respectfully submitted,

**Time Warner Cable, Inc.**

By:

  
\_\_\_\_\_  
Craig A. Gilley

EDWARDS WILDMAN PALMER LLP  
1255 23rd Street NW – Suite 800  
Washington, D.C. 20037  
(202) 478-7370

Its Attorneys

Dated: April 22, 2013

DECLARATION

I, Edward Kozelek, hereby declare under penalty of perjury that:

1. I am the Regional Vice President of Government Relations – Midwest for Time Warner Cable, the operator of the cable system that serves the specific Franchise Areas involved in the foregoing Petition for Special Relief (“Petition”).
2. I have read the foregoing Petition and am familiar with the contents thereof and the matters referred to therein.
3. I have reviewed Time Warner Cable’s cable subscriber number for Portsmouth, as well as the DBS subscriber number provided by SBCA and allocated to Portsmouth as described in the Petition. Time Warner Cable is the largest multichannel video program provider serving Portsmouth.
4. The facts contained within the Petition are true and correct to the best of my knowledge, information and belief.

Ed Kozelek  
Edward Kozelek

Date: 4/22/13

**EXHIBIT A**

**Horizon Marketing And Promotional Materials  
Distributed In The Three Franchise Areas**

{ Add it Up }

PHONE

TOTAL

HIGH-SPEED INTERNET

TOTAL

DIGITAL TV

TOTAL

SECURITY

TOTAL

SUBTRACT DISCOUNT

TOTAL

SERVICES MINUS DISCOUNT

TOTAL



Horizon's "Build Your Own Bundle" plan is available to both new and existing residential customers in the Horizon service area. Digital TV and some Internet speeds may not be available in all areas. Internet speeds and package pricing may vary according to location. In-home WiFi may not be available in all areas. "Build Your Own Bundle" plans are a 12 month commitment, which will automatically renew at the end of 12 months unless you notify Horizon 30 days prior to that date. Terminating this agreement prior to the 12 month period may result in a termination fee of up to \$150. Digital set-top boxes and remotes provided will remain the property of Horizon. Additional charges apply for Directory Assistance, taxes and fees. Some communities may also charge a cable franchise fee. Prices listed are subject to change. Additional terms and conditions may apply. For more information, contact a customer service representative at (740) 772-8331.

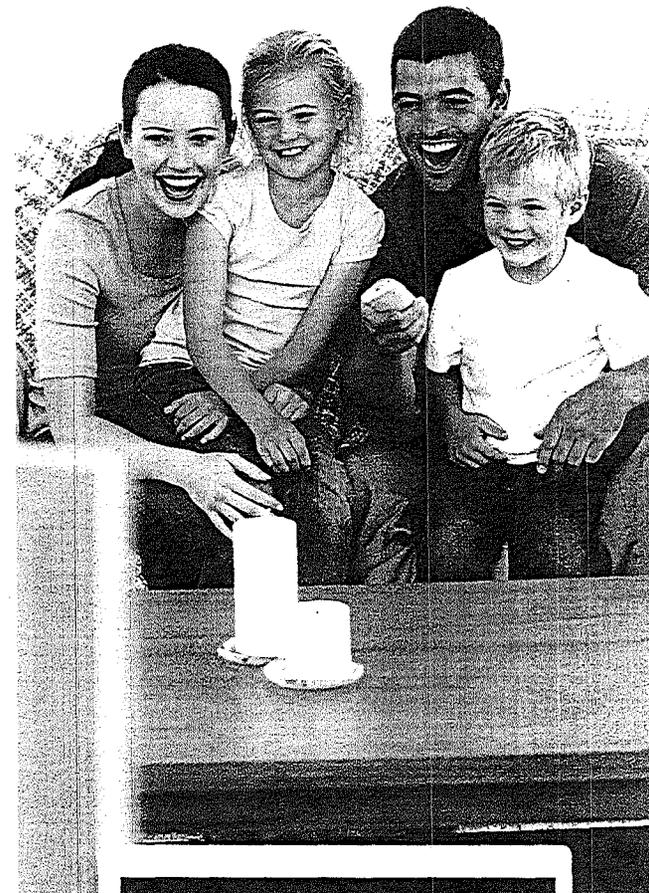


P.O. Box 480  
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**(740) 772-8331**

[www.horizontel.com](http://www.horizontel.com)

{ entertainment }  
**CONNECTION**



[www.horizontel.com](http://www.horizontel.com)

## Phone

**Reliable Phone** .....\$28.50

(Price does not include taxes or other charges. Additional charges apply for directory assistance.)

### Advanced Phone Services

3 Calling Features\* ..... \$ 5.00

6 Calling Features\* ..... \$10.00

Unlimited Calling Features\* ..... \$15.00

\*Choose from Call Forward Busy/No Answer, Caller ID Name & Number, Anonymous Call Reject, Distinctive Ring, Call Waiting, Three-Way Calling with Transfer, Incoming Call Control, Selective Call Reject, Call Return or 30# Speed Dialing.

Basic Voice Mail ..... \$ 4.95

Long Distance - 500 minutes ..... \$ 5.00

Long Distance - Unlimited ..... \$10.00

**TOTAL**

## High-speed Internet

**Light Speed 1 MB Internet**.....\$24.95

Other packages with speeds as high as 20 MB are available to meet your budget and needs based on your service location. \$2.00 monthly equipment rental charge may apply in some areas.

**Light Speed 3 MB** .....\$29.95

**Light Speed 6 MB** .....\$39.95

**Light Speed 10 MB** .....\$49.95

**Light Speed 20 MB** .....\$59.95

### Advanced Internet Services

In-home WiFi ..... \$ 5.95

**TOTAL**

## Digital TV

**Digital TV** .....\$62.50

Receive over 170 all-digital cable channels, plus music and pay-per-view channels. Also, enjoy Caller ID displayed on your television screen (customer must subscribe to Caller ID service for this feature to work). Price includes \$6.00 monthly equipment rental.

### Advanced Cable Services

DVR ..... \$ 8.95

Basic HD ..... \$ 9.95

(DVR service is \$6.00 when combined with HD)

Enhanced HD ..... \$ 4.95

(Requires Basic HD service)

### Premium Cable Channels

HBO ..... \$14.95

### Combo Packs

Showtime, Cinemax and Starz/Encore

Discounted prices on Showtime, Cinemax and Starz/Encore when you select more than 1. HBO not included.

Select 1 .....\$11.95

Select 2 .....\$19.95

Select 3 .....\$26.95

**TOTAL**



## Security

**Home Security Monitoring**.....\$19.95

Requires home security system; call 775-SAFE for a FREE in-home estimate.

### Basic System

Installed/Starting at.....\$ 499.95

### Advanced Monitoring Services

Broadband Compatibility .....\$9.95/mo.

Connect security system to a broadband Internet connection for monitoring. Requires hardware bridge and router (both sold separately) and broadband Internet connection.

Cellular Backup.....\$9.95/mo.

Requires basic monitoring and cellular module (sold separately). Cellular service may not be available in all areas. If no phone line is available, primary cell service is an additional \$14.95/mo.

Interactive Service .....\$9.95/mo.

Use a PC or Smartphone to control your security system, as well as setup advanced alerts and reminders. Requires additional hardware and services.

**TOTAL**

## Bundle Discount

### Subtract your DISCOUNT.

If you have selected two or more major services (Phone, Internet, Digital TV or Security Monitoring), YOU are entitled to a "bundle" discount.

Discount on 2 major services .....\$10.00

Discount on 3 major services .....\$15.00

Discount on 4 major services .....\$20.00

# Horizon View channel lineup Ross County

<b>View Basic</b>					
HV2	2	EI	67	American Movie Classics	140
WCMH (NBC) - Columbus	4	A&E	68	Turner Classic Movies	141
WSYX (ABC) - Columbus	6	Crime & Investigation	69	Fox Movie Network	142
WHIO (CBS) - Dayton	7	BBC America	70	Lifetime	146
WTTE (FOX) - Columbus	8	Ovation	71	Lifetime Movie Network	147
WCPO (ABC) - Cincinnati	9	truTV	72	SoapNet	149
WBNS (CBS) - Columbus	10	GSN	73	Oxygen	150
HV11	11	Chiller	74	WE	152
Cavalier TV	12	Syfy	75	Style	153
WSAZ (NBC) - Huntington	13	Comedy Central	76	INSP	159
WWHO (CW) - Columbus	14	G4 TV	77	EWTN	161
WOSU (PBS) - Columbus	15	Food Network	84	Trinity Broadcasting	162
MyZTV (MyNet) - Huntington	16	HGTV	85	The Word	163
WOUB (PBS) - Athens	20	Cooking Channel	86	MTV	167
Local Weather Radar	61	DIY	87	MTV 2	168
		Destination America	89	MTV Jams	169
<b>View Plus</b>					
TBS	3	OWN	90	MTV Hits	170
QVC	21	TLC	91	Tr3s	171
WGN	23	Travel Channel	92	VH-1	173
USA	24	Discovery Fit & Health	93	VH-1 Classics	174
TNT	25	Discovery	98	VH-1 Soul	175
FX	26	Investigation Discovery	99	CMT	179
Bravo	27	Military Channel	100	CMT Pure Country	180
Spike	28	Science Channel	101	GAC	182
ESPN	35	bio.	102	BET	185
ESPN 2	36	National Geographic	104	Gospel Music Channel	190
ESPN U	37	History	106	Home Shopping Network	196
ESPN News	38	H2	107	ShopNBC	197
ESPN Classic	39	Military History Channel	108	<b>VIEW TUNES</b>	
Big Ten Network	40	WOUB Learns (PBS)	109	1490 AM WBEX	298
Fox Sports Ohio North	42	RFD-TV	110	100.9 FM WXIZ	299
Fox Sports Ohio South	43	Animal Planet	111	101.1 FM WWCD	300
Speed Channel	45	Disney	114	94.3 FM WKKJ	301
NBC Sports	46	Disney XD	115	97.9 FM WNCI	302
Golf Network	47	Disney Junior	116	94.7 FM WSNY	303
The Outdoor Channel	48	Cartoon Network	117	Hit List	304
Fox Business News	50	Boomerang	118	Hip-Hop and R&B	305
Fox News	51	PBS Sprout	120	MCU (Music Choice University)	306
CNN	52	Nickelodeon	121	Dance/Electronic <del>+</del>	307
CNN International	53	Nick Too	122	Rap <del>+</del>	308
Headline News	54	Nick Toons	123	Hip-Hop Classics	309
CNBC	55	Teen Nick	124	Throwback Jamz	310
MSNBC	56	Nick Jr.	125	R&B Classics	311
C-SPAN	58	The Hub	126	R&B Soul	312
C-Span-2	59	Hallmark	131	Gospel	313
The Weather Channel	60	TV Land	132	Reggae	314
WOSU Ohio (PBS)	63	ABC Family	134	Classic Rock	315
		WOSU Plus (PBS)	135	Retro Rock	316

Rock	317	Showtime Beyond	233	Comedy Central	576
Metal	318	Showtime Next	234	G4TV	577
Alternative	319	Showtime Family	235	Travel Channel	592
Classic Alternative	320	Showtime Women	236	Cartoon Network	617
Adult Alternative	321	Showcase	237	Nickelodeon	621
Soft Rock	322	The Movie Channel	240	American Movie Classics	640
Pop Hits	323	The Movie Channel Xtra	241	Turner Classic Movies	641
'90s	324	FLIX	242	Lifetime	646
'80s	325	<b>VIEW CHOICE - Starz! Super Pak</b>		Lifetime Movie	647
'70s	326	Starz!	250	Style	653
Solid Gold Oldies	327	Starz! Edge	251	Palladia	665
Party Favorites	328	Starz! in Black	252	MTV	667
Stage & Screen	329	Starz! Kids and Family	253	VH-1	673
Kidz Only!	330	Starz! Cinema	254	CMT	679
Toddler Tunes	331	Encore	260	Showtime*	730
Today's Country	332	Westerns	261	The Movie Channel*	740
True Country	333	Action	262	Starz*	750
Classic Country	334	WAM	263	<b>HD ENHANCED</b>	
Contemporary Christian	335	Movie Plex	264	ESPN	535
Sounds of the Seasons	336	Mystery	265	ESPN2	536
Soundscapes	337	Love	266	ESPN U	537
Smooth Jazz	338	Drama	267	ESPN NEWS	538
Jazz	339	<b>PPV</b>		Fox Sports Ohio	542
Blues	340	InDemand PPV	400-406	Fox Sports Ohio	543
Singers & Swing	341	<b>HD BASIC</b>		Outdoor Channel 2	548
Easy Listening	342	TBS	503	The Weather Channel	560
Classical Masterpieces	343	WCMH (NBC) - Columbus	504	A&E	568
Light Classical	344	WSYX (ABC) - Columbus	506	BBC America	570
Musica Urbana	345	WTTE (FOX) - Columbus	508	Food Network	584
Pop Latino	346	WBNS (CBS) - Columbus	510	HGTV	585
Tropicales	347	WWHO (CW) - Columbus	514	Destination America	589
Mexicana	348	WOSU (PBS) - Columbus	515	TLC	591
<b>VIEW CHOICE - HBO</b>		QVC	521	Velocity	597
HBO	200	USA	524	Discovery	598
HBO 2	201	TNT	525	The Science Channel	601
HBO Signature	202	FX	526	bio.	602
HBO Family	203	Bravo	527	National Geographic	604
HBO Comedy	204	Spike	528	History	606
HBO Zone	205	Universal	530	Animal Planet	611
<b>VIEW CHOICE - Cinemax</b>		Big Ten Network	540	Disney	614
Cinemax	215	Speed Channel	545	Disney XD	615
MoreMax	216	NBC Sports	546	ABC Family	634
ActionMax	217	Golf Channel	547		
ThrillerMax	218	Fox Business News	550		
WMax	219	Fox News	551		
@Max	220	CNN	552		
5StarMax	221	Headline News	554		
OuterMax	222	CNBC	555		
<b>VIEW CHOICE - Showtime Unlimited</b>		MSNBC	556		
Showtime	230	E!	567		
Showtime Too	231	truTV	572		
Showtime Extreme	232	Syfy	575		

\* Contains uncensored language.

\* Customer must subscribe to View Choice package to receive channel.

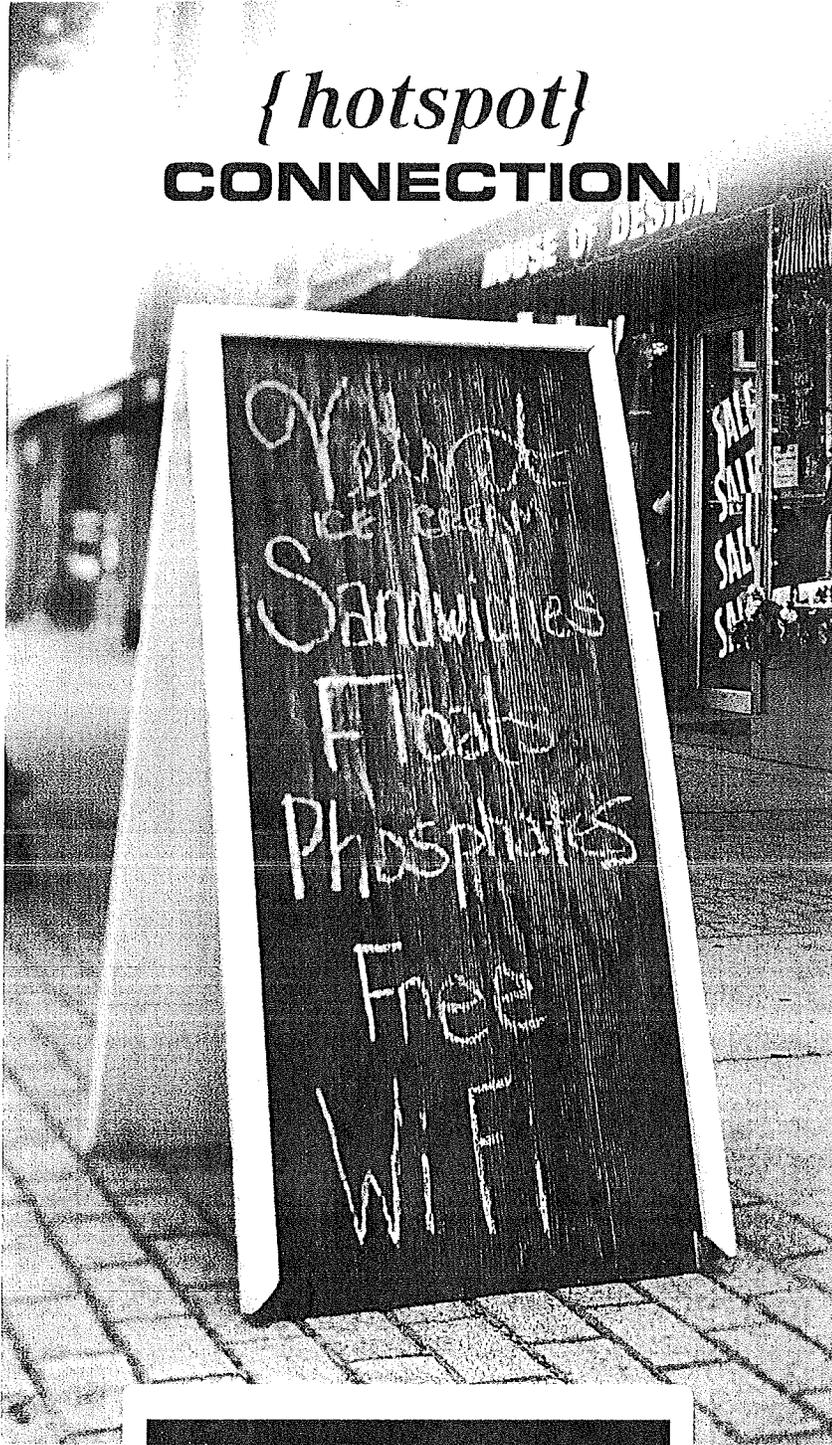


**HORIZON**

Lineup subject to change.

Rev. 07302012

*{ hotspot }*  
**CONNECTION**



**HORIZON**

[www.horizontel.com](http://www.horizontel.com)

*Free to the public with over 100 locations throughout Chillicothe and Ross County!*

**What is a hotspot?**

A hotspot is a public wireless Internet access point, where people can bring a laptop, tablet, handheld gaming system or smartphone to gain Internet access.

Horizon hotspots are provided and maintained as a part of the Horizon's wireless data network. This is a free service with more locations being added weekly. Take advantage of this convenient service anywhere you see the hotspot logo posted.



Please visit [www.horizontel.com](http://www.horizontel.com) for a complete listing of all available hotspot locations.

**THANK YOU** for choosing Horizon as your telecommunications provider.



772.8331 | [www.horizontel.com](http://www.horizontel.com)

### Conference Calls

#### Three Way Calling with Transfer \*

Allows a three way conversation with two other parties and enables you to hang up, leaving the other two parties connected. (Long distance charges may apply). \$2.50

#### Three Way Calling

Allows you to add a third party to an existing phone conversation. \$2.50

### Repairs / Trouble

#### Reporting a Problem

24 hours a day. 611 or 772-8611

#### Inside Wire Insurance Plan

Residential - \$4.50/mo.

Small to Medium Businesses - \$5.50/mo.

#### Repair Charge \$59.95

(Without Horizon's Inside Wire Insurance Plan)

Additional Fees may apply.

#### Troubleshooting

See your Horizon Telephone Directory for tips or visit us online at [www.horizontel.com](http://www.horizontel.com), click on "Help/Support".

### Bundle Pricing

#### Phone Services

3 Calling Features \*.....\$ 5.00

6 Calling Features \*.....\$10.00

Unlimited Calling Features \*.....\$15.00

\* To qualify for calling feature discount, customer must subscribe to two or more major services with a bundle agreement.



P.O. Box 480  
68 E Main St  
Chillicothe, OH 45601  
740.772.8331

[www.horizontel.com](http://www.horizontel.com)

{simplified} CONNECTION



## Calling Features and Advanced Phone Plans from Horizon

\* Select features that qualify for bundle pricing.

### Protect Your Privacy

#### Incoming Call Control \*

Incoming calls, that display "unknown name or out of area", are intercepted with a message before your phone rings. (You must subscribe to Caller ID with this feature) \$3.00

#### Selective Call Reject \*

Block nine pre-selected incoming local numbers. \$6.00

#### Non-Published Number

Your phone number is not published in the annual directory or directory assistance and your number will not appear on local Caller ID units. \$3.95

#### Non-Listed

Your name and number displays "private" on local Caller ID units and is not published in the annual directory, but is available through directory assistance. \$3.95

### Automatic Dialing

#### Call Trace

Allows you to activate an immediate trace of the last incoming call. This is useful after you have received harassing or prank calls and you wish to pursue legal action. \$3.00 per trace

#### Call Return \*

Gives you the telephone number of your last caller (listed numbers only), the time and date of the call, and the option to dial the number. \$6.00

#### Repeat Dialing

Using an activation code, your telephone continuously attempts to re-dial a busy number or the last number called. \$6.00

#### Select Line Block

Block your number from displaying on other local Caller ID units. \$1.00

NOTE: Available at no charge to non-list or non-published numbers.

#### Anonymous Call Reject \*

Rejects all incoming numbers that arrive as "private". \$1.00

#### Universal Per-Call Blocking

Block your name and phone number from displaying on local Caller ID units, on a per-call basis. Dial \*67 prior to placing each call. \$ Free



#### Speed Calling \*

Dial frequently used numbers quickly with the touch of a code.

Program up to 8 numbers. \$2.50  
Program up to 30 numbers. \$4.00



### Long Distance Plans and Blocks

#### 900 Block

Block 900 numbers from being dialed from your line. \$ Free

#### Toll Restriction with a Pin

Toll access is denied unless a pin number is used. \$3.00

#### Toll Restriction

Allows local and toll free calls. \$2.90

#### Collect Block

Prevents you from receiving toll charges from incoming collect calls. \$ Free

#### Third Number Block

Restrict billing of third party calls to your number. \$ Free

#### International Block

Prevents outgoing calls to numbers with more than 10 digits. \$ Free



### Identify Incoming Calls

#### Caller ID Name and Number with Call Waiting

Alerts you to incoming calls while you are on the phone and displays the incoming name and number on your display unit. \$12.00

#### Caller ID Name and Number \*

Displays the name and phone number of incoming calls on a display unit. \$8.00

#### Caller ID

Displays the phone number of incoming calls on a display unit. \$6.00

#### PIC Freeze

Allows only you or authorized persons on your account to make changes to your long distance carrier. \$ Free

#### 500 Minute Calling Plan

500 minutes anywhere in the continental United States. \$5.00

#### Unlimited Calling Plan

Unlimited minutes anywhere in the continental United States. \$10.00

NOTE: Toll is a call with charges in addition to the local rate. Examples of toll: directory assistance, 900 numbers, long distance calling.

### Voice Mail and Call Waiting

#### Voice Mail Packages

Record messages from incoming callers. Retrieve messages from your home phone or other locations.

**Premium:** 99 Three-Minute Messages, Nine Sub-mailboxes, E-Forward, Associated Numbers, Distribution Lists, Memo, Message Forwarding, Multiple Languages. \$9.95

**Basic:** 15 Three-Minute Messages, Four Sub-mailboxes, Associated Numbers, Distribution Lists, Memo, Message Forwarding, Multiple Languages. \$4.95

NOTE: Call Forwarding is required with Voice Mail. Stutter dial tone or message waiting can be added with no additional cost. Voice Mail with message waiting works with Horizon View TV service and displays on screen.



#### Call Waiting \*

Alerts you to incoming calls while you are on the phone. \$4.00

### Forward Incoming Calls

#### Call Forward Busy / No Answer

Redirect incoming calls to a number of your choice while your line is busy or your line is not answered. \$3.00

#### Call Forward All

Redirect all incoming calls. \$3.00

#### Call Forward Busy

Redirect incoming calls while your line is busy. \$3.00

#### Call Forward No Answer

Redirect incoming calls when your line is not answered. \$3.00

#### Select Call Forward

Redirect selected incoming calls. \$6.00

# Invoice Terminology

## #Basic Services

are the basic monthly charges for dial-tone services. These may appear on your phone bill as codes "1 PTY BUS" or "1 PTY RES", etc.

## #Optional Services

are charges for added services such as call waiting, caller ID, voice mail, 3-way calling, Horizon View, etc.

## #One-time Charges

appearing on your bill may include activation fees for installing or moving your service to a new location; adding or changing a calling feature; and installing or moving a telephone, TV or computer within your home. Charges may also appear for the purchase of equipment such as telephones, jacks, telephone wire, etc.

### Other Information On Your Bill:

- Names of all service providers, highlighting any new service provider and any new service that did not appear on the previous bill;
- Identification of charges for which failure to pay may result in an interruption of service (regulated charges);
- Contact information for inquiries or complaint.

## #Long Distance

are charges from a selected long distance carrier. Some long distance companies may add "carrier" or "minimum usage" charges. Contact your long distance provider for an explanation.

## #Federal Charges

appear on your telephone bills, on behalf of federal programs.

**Access Line Charge** is a charge created and regulated by the Federal Communications Commission (FCC) that allows local phone companies to recover a portion of the costs associated with interstate access to the local phone network.

**Federal Universal Service Charge** is a federal government program that helps bring affordable basic phone service to all Americans. The program also assists schools, libraries and rural health care providers in obtaining phone service. Some long distance companies add these charges onto their bills to cover their support requirements for this program.

## #Taxes

are collected through phone bills on behalf of the government. Taxes that typically appear on a local phone bill include:

**Federal Excise Tax** is a three-percent tax that is mandated by the federal government. It is levied on all telecommunications services, including local, long distance and wireless bills. This tax originated in 1898 as a "temporary" tax to offset the cost of the Spanish American War. The telecommunications industry has been very active in working to get this tax repealed.

**State & Local Taxes** are charges levied by state and local governments on goods and services. Ohio's tax is 5% and Ross County tax is 1.5%.

**911** is charged to help pay for emergency services such as fire and rescue. The service includes the ability to identify a street address of callers through the phone lines.

**"Cramming" is the illegal practice of adding misleading, bogus and wrongful charges to the consumer's phone bill for services that the customer did not order.**

Chillicothe Telephone may provide billing and collection services for other companies, including long distance carriers and third-party billers. This benefit to customers enables one consolidated bill, rather than multiple bills.

With so many new entrants to telecommunications, it is difficult for Chillicothe Telephone to verify the legitimacy of every charge. Chillicothe Telephone is not required to verify the charges of other companies in most circumstances. Therefore, it is important that customers be very aware of what services they order and for which they are being charged.

**What to do if you have been crammed.**

- If you discover a charge on your phone bill for a service you did not authorize, contact Chillicothe Telephone immediately. If your service representative is unable to remove the charge and you still feel you are wrongly charged, the FCC offers steps on its web site [www.fcc.gov](http://www.fcc.gov) on what to do to resolve the problem.

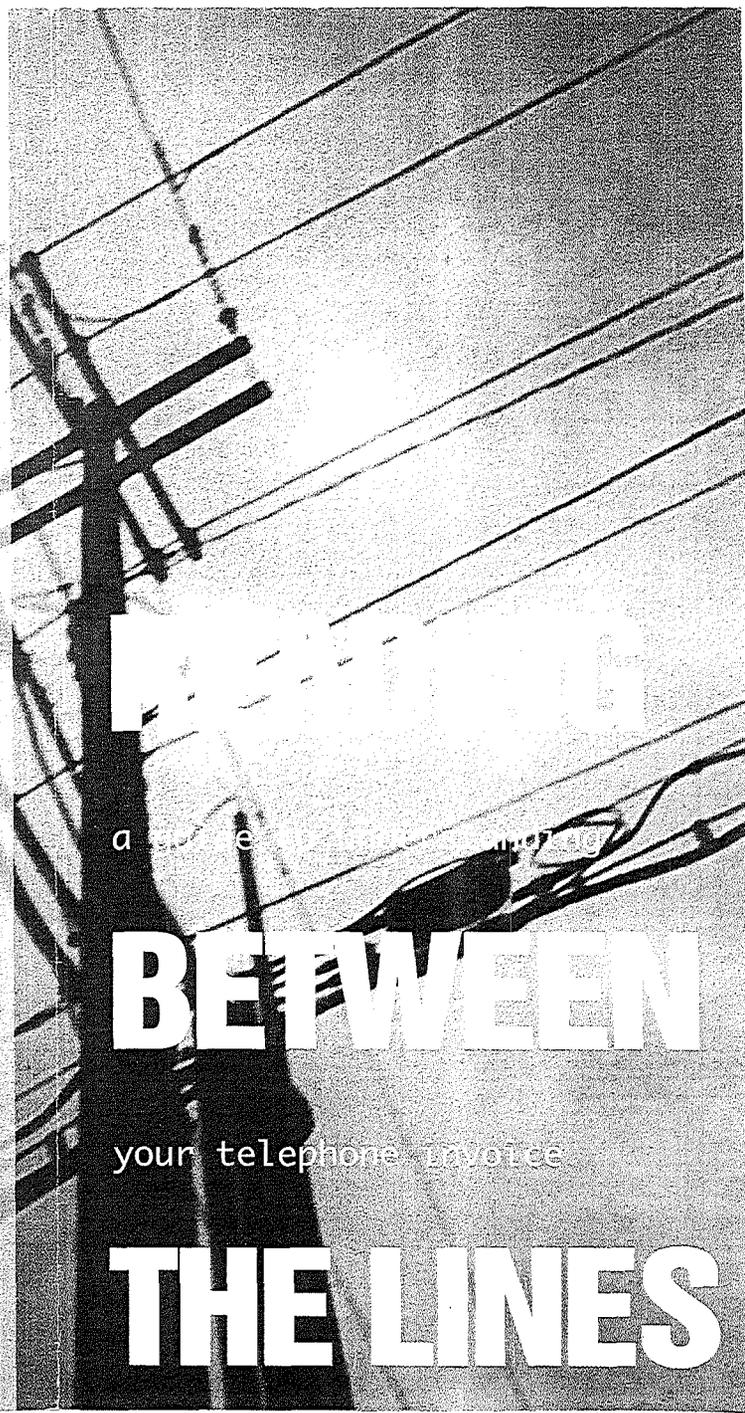
**"Slamming" is the illegal practice of changing a customer's long distance carrier to another long distance carrier without permission.**

**What to do if you have been slammed.**

- Contact either Chillicothe Telephone or the unauthorized carrier to explain that you did not authorize any change and request to be switched back to your original carrier.
- State that you want all "carrier change" charges (charges for switching companies) removed from your bill. Under the Federal Communications Commission's (FCC) slamming rules, you are not required to pay for the first 30 days of long distance calls on an unauthorized carrier after being slammed.

Courtesy of  
Chillicothe Telephone  
68 East Main Street  
Chillicothe, OH 45601  
(740) 772-8331

**HORIZON**  
Chillicothe Telephone



**BETWEEN**

your telephone invoice

**THE LINES**

Enter your address below to explore service options in your area.

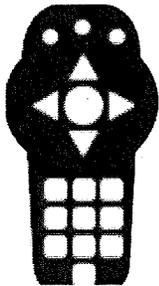
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# Horizon

## Premium Broadband Service Provider

- [About Us](#)
- [Business](#)
- [Residential](#)
- [Help/Support](#)
- [Advertising](#)
- [Careers](#)
- [My Account](#)

- [Digital Cable](#)
- [Telephone](#)
- [Internet](#)
- [Security](#)
- [Current Offers](#)



Horizon digital cable TV offers superior entertainment value, with the area's best HD picture and channel lineup, plus the convenience of Digital Video Recorder (DVR) and Pay-Per-View services. It's TV for the way you live today!

For Customer Care, call (740) 772-8331.

*Some services are not available in all areas.*

## Digital Cable Packages

	<b>View</b>	<b>Basic</b>	<b>View</b>	<b>Standard</b>	<b>View</b>	<b>Plus</b>	<b>View</b>	<b>Choice</b>
Ross County		<u>x</u>		<u>x</u>		<u>x</u>		

Pickaway County	<u>x</u>	<u>x</u>	<u>x</u>
Pike/Scioto Counties	<u>x</u>		<u>x</u>

Channel lineups may be accessed by clicking the X under appropriate column.

## Advanced Services

HDTV  
HDTV Enhanced  
DVR

## Calculate your services now!

Enter your street address to find bundled services in your area.

[Calculate your services](#)

•

- [Community Involvement](#)
- [Customer Rights](#)
- [Privacy Policy](#)
- [Regulatory Information](#)
- [Contact Us](#)
- Check us out on
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Enter your address below to explore service options in your area.

[\[x\] Close](#)

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## Pickaway County View Standard Lineup

View Standard includes 69 analog channels.

A&E	ABC Family
American Movie Classics	BET
Big Ten Network	bio.
Cartoon Network	CMT
CNBC	CNN
Comedy Central	C-Span
C-Span-2	Discovery
Disney	E!
ESPN	ESPN 2
EWTN	Food Network
Fox News	Fox Sports Ohio South
FX	GAC
GSN	Hallmark
Headline News	HGTV
History	Home Shopping Network
INSP	Lifetime
MSNBC	MTV
National Geographic	Nickelodeon
Ovation	

PBS Sprout	QVC
RFD-TV	Syfy
ShopNBC	Speed Channel
Spike	TBS
The Outdoor Channel	The Weather Channel
TLC	TNT
Travel Channel	Trinity Broadcasting
Turner Classic Movies	TV Land
TVU	USA
VH-1	WBNS (CBS) - Columbus
WCMH (NBC) - Columbus	WE
WGN	WOSU (PBS) - Columbus
WOSU Ohio	WOSU Plus (PBS)
WSYX (ABC) - Columbus	WTTE (FOX) - Columbus
WWHO (CW) - Columbus	

[Click here](#) to download the Pickaway County Channel Lineup.

## Calculate your services now!

Enter your street address to find bundled services in your area.

[Calculate your services](#)

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Enter your address below to explore service options in your area.

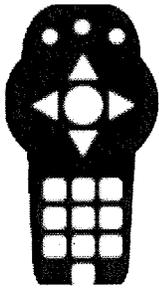
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# Horizon

## Premium Broadband Service Provider

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- [Digital Cable](#)
- [Telephone](#)
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Horizon digital cable TV offers superior entertainment value, with the area's best HD picture and channel lineup, plus the convenience of Digital Video Recorder (DVR) and Pay-Per-View services. It's TV for the way you live today!

For Customer Care, call (740) 772-8331.

*Some services are not available in all areas.*

## Digital Cable Packages

	<b>View</b>	<b>Basic</b>	<b>View</b>	<b>Standard</b>	<b>View</b>	<b>Plus</b>	<b>View</b>	<b>Choice</b>
--	-------------	--------------	-------------	-----------------	-------------	-------------	-------------	---------------

Ross County	<u>x</u>		<u>x</u>		<u>x</u>			
-------------	----------	--	----------	--	----------	--	--	--

Pickaway County	<u>x</u>	<u>x</u>	<u>x</u>
Pike/Scioto Counties	<u>x</u>		<u>x</u>

Channel lineups may be accessed by clicking the X under appropriate column.

## Advanced Services

### HDTV

Includes equipment rental and the channels listed below at no additional charge.

American Movie Classics	Big Ten Network
Bravo	Cartoon Network
Cinemax*	CMT
CNBC	Comedy Central
E!	Fox Business News HD
Fox News	FX
G4TV	Golf Channel
HBO*	Lifetime
Lifetime Movie	The Movie Channel*
MSNBC	MTV
Nickelodeon	Palladia
QVC	Showtime*
Speed Channel	Spike TV
Starz*	Style
Syfy	TBS
TNT	Travel Channel
truTV	Turner Classic Movies
Universal	USA
Versus	VH-1
WBNS (CBS)	WCMH (NBC)
WOSU (PBS)	WSYX (ABC)
WTTE (FOX)	WWHO (CW)

\*Customer must subscribe to premium package to receive these channels.

### HDTV Enhanced

Enhance your viewing experiences by adding these additional channels to your HDTV lineup.

A&E	ABC Family
Animal Planet	BBC America
bio.HD	Discovery
Disney	Disney XD
ESPN	ESPN2

ESPN News	ESPN U
Food Network	Fox Sports Ohio
HD Theater	HGTV
History	ID
National Geographic	Outdoor Channel 2
TLC	The Science Channel
The Weather Channel	

#### DVR

With Horizon DVR, record and watch your favorite TV shows and movies. DVR simplifies your life: watch what you want, when you want – all at the touch of a button on your remote. It's TV for the way you live today. Includes equipment rental.

## Calculate your services now!

Enter your street address to find bundled services in your area.

#### Calculate your services

- [Community Involvement](#)
- [Customer Rights](#)
- [Privacy Policy](#)
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**EXHIBIT B**

**Ohio Public Service Commission  
Listing of Local Exchange Carriers By Community**

selected industry: **Incumbent Local Exchange Carrier**

## **Incumbent Local Exchange Carrier**

---

### **Arcadia Telephone Company**

TDS Telecom  
PO Box 88  
Roachdale, IN 46172-0088

### **Arthur Mutual Telephone Company**

dba: The Arthur Mutual Telephone Company  
21980 S R 637  
Defiance, OH 43512

### **AT&T Ohio**

45 Erieview Plaza  
Room 1600  
Cleveland, OH 44114

### **Ayersville Telephone Company**

dba: Ayersville Cable  
27932 Watson Road  
Defiance, OH 43512

### **Bascom Mutual Telephone Company**

PO Box 316  
Bascom, OH 44809-0316

### **Benton Ridge Telephone Company**

140 Main Street  
PO Box 180  
Benton Ridge, OH 45816

### **Buckland Telephone Company**

dba: BTC Communications, LLC  
105 South Main Street  
Buckland, OH 45819

### **CenturyTel of Ohio, Inc.**

dba: CenturyLink  
100 CenturyLink Drive  
Monroe, LA 71203

### **CenturyTel of Ohio, Inc.**

dba: CenturyLink  
P.O. Box 4065  
Monroe, LA 71211-4065

### **Champaign Telephone Company**

126 Scioto Street  
Urbana, OH 43078

**Chillicothe Telephone Company**

dba: Horizon View  
PO Box 480  
Chillicothe, OH 45601

**Cincinnati Bell Telephone Company LLC**

221 E Fourth Street  
Cincinnati, OH 45202

**Columbus Grove Telephone Company**

908 W Frontview  
Dodge City, KS 67801

**Conneaut Telephone Company**

dba: Cablesuite  
224 State Street  
PO Box 579  
Conneaut, OH 44030

**Continental Telephone Company**

TDS Telecom  
PO Box 88  
Roachdale, IN 46172

**Doylestown Telephone Company**

81 N Portage St  
Doylestown, OH 44230

**Farmers Mutual Telephone Company**

County Rd 17D  
PO Box 50106  
Okolona, OH 43550-3106

**Fort Jennings Telephone Company**

dba: FJ Communications, Inc  
65 West Third Street  
PO Box 146  
Fort Jennings, OH 45844-0146

**Frontier Communications of Michigan, Inc.**

3 High Ridge Park  
Stamford, CT 06905

**Frontier North Inc.**

1300 Columbus-Sandusky Road N  
Marion, OH 43302

**Germantown Independent Telephone Company**

908 W Frontview  
Dodge City, KS 67801

**Glandorf Telephone Company, Inc.**  
dba: Glandorf Telephone Company, Inc  
135 South Main Street  
PO Box 31  
Glandorf, OH 45848

**Kalida Telephone Company, Inc.**  
dba: The Kalida Telephone Company Inc  
121 East Main Street  
PO Box 267  
Kalida, OH 45853

**Little Miami Communications Corporation**  
TDS Telecom  
PO Box 88  
Roachdale, IN 46172

**McClure Telephone Company**  
dba: The McClure Telephone Company  
311 S East Street  
PO Box 26  
McClure, OH 43534

**Middle Point Home Telephone Company**  
dba: The Middle Point Home Telephone Company  
106 1/2 E Jackson Street  
PO Box 41  
Middle Point, OH 45863-0041

**Minford Telephone Company**  
PO Box 181  
Minford, OH 45653

**New Knoxville Telephone Company**  
dba: New Knoxville Cable Systems  
301 W South St  
PO Box 219  
New Knoxville, OH 45871

**Nova Telephone Company**  
255 Twp Rd 791  
Nova, OH 44859-0027

**Oakwood Telephone Company**  
TDS Telecom  
PO Box 88  
Roachdale, IN 46172

**Orwell Telephone Company**

70 South Maple Street  
Orwell, OH 44076

**Ottoville Mutual Telephone Company**

PO Box 427  
Ottoville, OH 45876

**Pattersonville Telephone Company**

3225 Antiqua Rd  
PO Box 276  
Carrollton, OH 44615

**Ridgeville Telephone Company**

Road 20 B  
Box A  
Ridgeville Corners, OH 43555

**Sherwood Mutual Telephone Association, Inc.**

dba: Shertle Cable, Inc  
PO Box 4572  
Sherwood, OH 43556-0572

**Sycamore Telephone Company**

104 E 7th St  
Sycamore, OH 44882-9409

**Telephone Service Company**

dba: TSC Communications, Inc  
2 Willipie Street  
PO Box 408  
Wapakoneta, OH 45895

**United Telephone Company of Indiana, Inc.**

dba: CenturyLink  
100 CenturyLink Drive  
Monroe, LA 71203

**United Telephone Company of Ohio**

100 CenturyLink Drive  
Monroe, LA 71203

**Vanlue Telephone Company**

TDS Telecom  
PO Box 88  
Roachdale, IN 46172

**Vanlue Telephone Company**

TDS Telecom  
PO Box 88  
Roachdale, IN 46172

**Vaughnsville Telephone Company**

187 N Water Street  
PO Box 127  
Vaughnsville, OH 45893-0127

**Wabash Mutual Telephone Company**  
6670 Wabash Road  
Celina, OH 45822

**Windstream Ohio, Inc.**  
dba: Windstream Communications  
17 S High St  
Suite 750  
Columbus, OH 43215

**Windstream Western Reserve, Inc**  
17 S High Street  
Suite 750  
Columbus, OH 43215

**EXHIBIT C**

**March 19, 2013 Email From Gerald J. Duffy Horizon Telephone's FCC Counsel  
Confirming Buildout Levels in the Three Franchise Areas**

## Gilley, Craig

---

**From:** Gerard J. Duffy <gjd@bloostonlaw.com>  
**Sent:** Tuesday, March 19, 2013 5:24 PM  
**To:** Gilley, Craig  
**Cc:** McKell, Bill; Holland, Pete  
**Subject:** RE: Chillicothe - Time Warner [ED-01.FID1061646]

Chillicothe offers video service throughout all of Chillicothe, Bainbridge and Frankfort. It does not serve South Salem, and has no plans to do so within the reasonable future.

	2010 <u>Population</u>	2010 <u>Households</u>
City of Chillicothe	21,901	9,420
Village of Bainbridge	860	357
Village of Frankfort	1,064	448
Village of South Salem	204	80
	=====	=====
Total	24,029	10,305

Chillicothe Telephone offers service to 99.15% of the total population in the aggregate area you have defined, and 99.22% of the total households. This should get TW the relief it desires under Section 623(i)(1)(D) of the Act and Section 76.905(b)(4) of the Rules. I am sure you have service literature indicating that Chillicothe Telephone provides comparable service, which I believe is still at 12 channels.

I do not believe that you need any proprietary information from Chillicothe Telephone to make your case. If you still disagree and file for an order from the FCC to provide certain additional information, we will respond to your FCC filing and to any resulting FCC order.

Chillicothe Telephone has no plans at this time to oppose or comment on your petition for "effective competition" status. If we can assist you in any other manner without providing the types of proprietary information that TW would not want to provide to Chillicothe, we will consider your request.

Gerry Duffy

---

**From:** Gilley, Craig [mailto:CGilley@edwardswildman.com]  
**Sent:** Tuesday, March 19, 2013 12:12 PM  
**To:** Gerard J. Duffy  
**Subject:** RE: Chillicothe - Time Warner [ED-01.FID1061646]

Community Name	Community Type	County	State	Physical System ID (PSID) Number	CUID Number
Bainbridge, Village of	Village	Ross	OH	002580	OH0304
Chillicothe, City of	City	Ross	OH	002580	OH0025
Frankfort, Village of	Village	Ross	OH	002580	OH0978
South Salem, Village of	Village	Ross	OH	002580	OH2136

Craig A. Gilley

Edwards Wildman Palmer LLP  
1255 23rd Street, NW, 8th Floor  
Washington, DC 20037

Direct: 202.939.7928  
General: 202.939.7900  
Fax: 202.745.0916

[www.edwardswildman.com](http://www.edwardswildman.com)

---

**From:** Gerard J. Duffy [<mailto:gjd@bloostonlaw.com>]

**Sent:** Tuesday, March 19, 2013 12:03 PM

**To:** Gilley, Craig

**Subject:** RE: Chillicothe - Time Warner [ED-01.FID1061646]

Exactly which cable communities or CUIDs are relevant to your request? If Chillicothe telephone is not serving a relevant area, it is not going to have a subscriber info for that area either. Gerry Duffy

**EXHIBIT D**

**Horizon Video Service Authorizations**

**Ohio Department of Commerce**  
**Video Service Authorization**  
**Third Amendment**

**Video Service Provider: The Chillicothe Telephone Company dba Horizon View**

**VSA Number:** 2007-VSA-0029      **Amendment Number:** 03  
**VSA Expiration Date:** April 2, 2018      **Amendment Effective Date:** September 7, 2011

IS HEREBY GRANTED AN AMENDMENT TO ITS AUTHORIZATION TO PROVIDE VIDEO SERVICE IN THE VIDEO SERVICE AREA SPECIFIED BELOW IN ACCORDANCE WITH AND SUBJECT TO THE PROVISIONS OF 1332.21 THROUGH 1332.34 OF THE OHIO REVISED CODE AND THE TERMS AND CONDITIONS OF THIS AUTHORIZATION.

**Terms and Conditions of the Authorization**

**A. Video Service Area**

The video service provider is authorized to provide video service in the areas listed on the attached sheet. The municipality or township added to the provider's video service area by this amendment is indicated on the attached sheet in italics. For all the municipalities or townships indicated in italics on the attached sheet, the provider shall comply with all the applicable Terms and Conditions as set forth in Section B of this document.

**B. Notice**

**1. Current Service Area:**

No later than 10 days after the effective date of this authorization the video service provider shall provide written notice to the municipal corporations and/or townships where it is currently providing video service that it has been issued this video service authorization. The notice shall state in accordance with 1332.23(B)(2)(d) of the Ohio Revised Code that upon the effective date of this video service authorization the franchise or competitive video service agreement terminates and no provision of that franchise or agreement is enforceable. Further, the notice shall state that the municipal corporation and/or township are advised to review section 1332.21 through 1332.34 of the Ohio Revised Code to determine their rights and responsibilities. The video service provider shall also provide a copy of the above stated notice to the Director of the Ohio Department of Commerce.

**2. Future Service Area:**

The video service provider shall provide the Director of the Ohio Department of Commerce with a copy of any notice issued to a municipal corporation or township in compliance with the requirements in 1332.27(A) of the Ohio Revised Code. This notice shall be provided to the Director within 5 days of issuance to the municipal corporation or township. The notice provided to the municipal corporation or township shall also state that the municipal corporation and/or township are advised to review section 1332.21 through 1332.34 of the Ohio Revised Code to determine their rights and responsibilities.

**3. Institutional Network**

The video service provider shall provide the Director of the Ohio Department of Commerce with a copy of the one hundred twenty days' written advance notice of termination issued to a municipal corporation or township in compliance with the requirements in R.C. 1332.30(C).

**4. R.C. 1332.30 (E)(1) and (F)(1)**

If the video service provider contends that its obligation under R.C. 1332.30 (E)(1) and (F)(1) terminates prior to January 1, 2012, then no later than 60 days from the effective date of this authorization the video service provider shall provide written notice to the municipal corporation or township with the earlier termination date. The video service provider shall also provide a copy of the above stated notice to the Director of the Ohio Department of Commerce.

## 5. Customer Service Standards

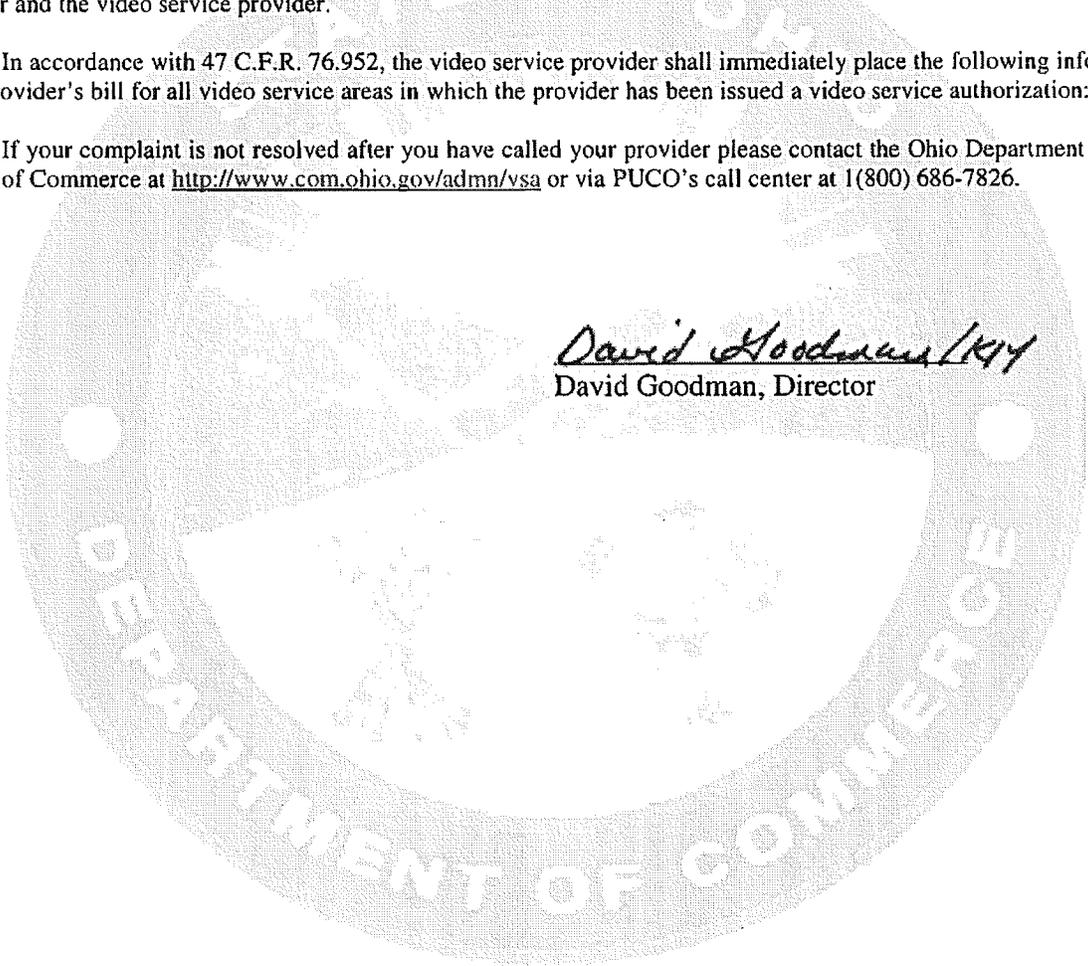
On April 2, 2008, the video service provider was given 90 days advance written notice that commencing on July 2, 2008, the Director would enforce the Federal Communication Commission's (FCC) customer service regulations listed below. All municipalities and townships listed on the attached sheet shall be the video service area in which the FCC's customer service regulations apply.

47 C.F.R. § 309	Customer Service Obligations
47 C.F.R. § 76.1602	Customer Service- general information
47 C.F.R. § 76.1603	Customer Service- rate and service changes
47 C.F.R. § 76.1619	Information on subscriber bills

Please be advised that on March 1, 2008, the Public Utilities Commission of Ohio ("PUCO") call center began accepting consumer complaint calls on behalf of the Director. The PUCO call center staff will forward all consumer complaint information to the Department of Commerce's Video Service Authorization Section for follow-up with the consumer and the video service provider.

In accordance with 47 C.F.R. 76.952, the video service provider shall immediately place the following information on the provider's bill for all video service areas in which the provider has been issued a video service authorization:

If your complaint is not resolved after you have called your provider please contact the Ohio Department of Commerce at <http://www.com.ohio.gov/admn/vsa> or via PUCO's call center at 1(800) 686-7826.

  
*David Goodman*  
David Goodman, Director

**Chillicothe Telephone Company dba Horizon View**  
**Video Service Areas**  
*(New Areas in Italics)*

-01 ADAMS<sup>1</sup>

-05 ATHENS

-07 BELMONT<sup>2</sup>

-08 BROWN

-10 CARROLL

-13 CLERMONT

-14 CLINTON

-15 COLUMBIANA

-16 COSHOCTON

-23 FAIRFIELD

-24 FAYETTE

-25 FRANKLIN

-27 GALLIA

-30 GUERNSEY

-31 HAMILTON

-34 HARRISON

-36 HIGHLAND

-37 HOCKING

-38 HOLMES

-40 JACKSON<sup>3</sup>

-41 JEFFERSON

-42 KNOX

-44 LAWRENCE

-45 LICKING

-53 MEIGS

-56 MONROE

-58 MORGAN

-60 MUSKINGUM

-61 NOBLE

-64 PERRY

-65 PICKAWAY  
Darbyville Village

-66 PIKE  
Scioto Township

---

<sup>1</sup> On March 3, 2010, the Director issued a Video Service Authorization to Chillicothe Telephone for Adams, Athens, Fayette, Gallia, Highland, Lawrence, Meigs, and Vinton counties.

<sup>2</sup> On September 7, 2011, the Director issued a Video Service Authorization to Chillicothe Telephone for Belmont, Brown, Carroll, Clermont, Clinton, Columbiana, Coshocton, Fairfield, Franklin, Guernsey, Hamilton, Harrison, Hocking, Holmes, Jefferson, Knox, Licking, Monroe, Morgan, Muskingum, Noble, Perry, Tuscarawas and Washington counties.

---

<sup>3</sup> On May 27, 2008, the Director issued a Video Service Authorization to Chillicothe Telephone for Jackson, Pike, Ross and Scioto counties.

**-71 ROSS**

Adelphi Village  
Bainbridge Village ←  
Buckskin Township  
Chillicothe ←  
Clarksburg Village  
Concord Township  
Deerfield Township  
Frankfort Village ←  
Franklin Township  
Green Township  
Harrison Township  
Huntington Township  
Kingston Village  
Paint Township  
Paxton Township  
Scioto Township  
Springfield Township  
Twin Township  
Union Township

**-73 SCIOTO**

Otway Village  
Rarden Village

**-79 TUSCARAWAS**

**-82 VINTON**

**-84 WASHINGTON**

**Chillicothe Telephone Company dba Horizon View  
Approved Video Service Areas**

Updated 9/7/11

-01 ADAMS<sup>1</sup>

-05 ATHENS

- 07 BELMONT<sup>2</sup>

-08 BROWN

-10 CARROLL

-13 CLERMONT

-14 CLINTON

-15 COLUMBIANA

-16 COSHOCTON

-23 FAIRFIELD

-24 FAYETTE

-25 FRANKLIN

-27 GALLIA

-30 GUERNSEY

-31 HAMILTON

-34 HARRISON

-36 HIGHLAND

-37 HOCKING

-38 HOLMES

-40 JACKSON<sup>3</sup>

-41 JEFFERSON

-42 KNOX

-44 LAWRENCE

-45 LICKING

-53 MEIGS

-56 MONROE

-58 MORGAN

-60 MUSKINGUM

-61 NOBLE

-64 PERRY

-65 PICKAWAY  
Darbyville Village

---

<sup>1</sup> On March 3, 2010, the Director issued a Video Service Authorization to Chillicothe Telephone for Adams, Athens, Fayette, Gallia, Highland, Lawrence, Meigs, and Vinton counties.

<sup>2</sup> On September 7, 2011, the Director issued a Video Service Authorization to Chillicothe Telephone for Belmont, Brown, Carroll, Clermont, Clinton, Columbiana, Coshocton, Fairfield, Franklin, Guernsey, Hamilton, Harrison, Hocking, Holmes, Jefferson, Knox, Licking, Monroe, Morgan, Muskingum, Noble, Perry, Tuscarawas and Washington counties.

---

<sup>3</sup> On May 27, 2008, the Director issued a Video Service Authorization to Chillicothe Telephone for Jackson, Pike, Ross and Scioto counties.

**-66 PIKE**

Scioto Township

**-84 WASHINGTON**

**-71 ROSS**

Adelphi Village

Bainbridge Village ←

Buckskin Township

Chillicothe ←

Clarksburg Village

Concord Township

Deerfield Township

Frankfort Village ←

Franklin Township

Green Township

Harrison Township

Huntington Township

Kingston Village

Paint Township

Paxton Township

Scioto Township

Springfield Township

Twin Township

Union Township

**-73 SCIOTO**

Otway Village

Rarden Village

**-79 TUSCARAWAS**

**-82 VINTON**

**EXHIBIT E**

**Media Business Corp. Zip Code Identification Report**

# Franchise & ZIP+4 Identification

## Data Documentation

Franchise: Cable operator's franchised service area

*Franchise boundary file vintage : County June 2011 (source : Dynamap), MCD June 2011 (source : Dynamap), Place June 2011 (source : Dynamap)*

*Vintage is the currency of the data as of a specific date and does not correspond exactly to the time of product release because of data-to-product production time.*

FIPS: One of a series of codes, issued by the National Institute of Standards and Technology (NIST), assigned for the purpose of ensuring uniform identification of geographic entities throughout all Federal Government programs and agencies.

Each officially recognized Census place has its own unique 5-10 digit identifier. For more information, please see <http://www.census.gov/geo/www/fips/fips.html>.

County: Census county in which the franchise resides

State: State in which the franchise resides

ZIP: United States Postal Service 5-digit ZIP code that covers, either in whole or in part, the cable operator's franchise area.

*ZIP Code boundary file vintage : June 2011 (source : Dynamap)*

*Vintage is the currency of the data as of a specific date and does not correspond exactly to the time of product release because of data-to-product production time.*

PLUS4: USPS +4 extension to the 5-digit ZIP code. Using geocoding technology, and using only +4s that could be determined to be entirely within the cable operator's franchise area, MBC determined that each of the ZIP+4s on the tab(s) included in this repo

ZIP4: 5-Digit USPS ZIP code and 4-digit extension.

*ZIP+4 boundary file vintage : June 2011 (source : Dynamap)*

*Vintage is the currency of the data as of a specific date and does not correspond exactly to the time of product release because of data-to-product production time.*

USPS Record Type: H - high-rise; F - firm; S - street; R - rural route/highway contract; P - post office box; G - general delivery.

\* Type H Records (High Rises, Buildings, Apartments) are assigned a ZIP+4 centroid based on the actual address. If a ZIP+4 centroid cannot be assigned, a ZIP+2 or 5-digit ZIP centroid is assigned.

\* Type F Records (Firms) are assigned a ZIP+4 centroid based on the actual address. If a ZIP+4 centroid cannot be assigned, a ZIP+2 or 5-digit centroid is assigned.

\* Type S Records (Streets) are assigned a ZIP+4 centroid that falls on an address range. If a ZIP+4 centroid cannot be assigned, a ZIP+2 or 5-digit centroid is assigned.

\* Type R Records (Rural Routes) are assigned ZIP+2 centroids if possible. In cases where this is not possible, a 5-digit centroid is assigned.

\* Type P (P.O. Box) and Type G (General Delivery Records) are assigned a 5-digit centroid.

Centroid Type: Each record includes a centroid type code that indicates whether the ZIP+4 has been assigned a ZIP+4, ZIP+2 or 5-digit ZIP centroid.

\* ZIP+4 - 1

\* ZIP+2 - 2

\* 5-digit ZIP - 3

\* None - 0

Census 2010 HHS: Count of Census 2010 households by community. For Counties and Minor Civil Divisions (MCDs), HHS reflect count of community minus any incorporated areas within the larger franchise.

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1810 Platte St., Denver, CO 80202  
Phone 303.271.9960  
Fax 303.271.9965

























Portsmouth	3964304	Scloco	OH	45662	9090	456629090
Portsmouth	3964304	Scloco	OH	45662	9101	456629101
Portsmouth	3964304	Scloco	OH	45662	9998	456629998

**EXHIBIT F**

**2010 Census Household Population**

GCT-PL2 - Ohio: Population and Housing Occupancy Status:  
2010 - State -- Place

2010 Census Redistricting Data (Public Law 94-171)

Summary File

NOTE: For information on confidentiality protection,  
nonsampling error, and definitions, see  
<http://www.census.gov/prod/cen2010/pl94-171.pdf>

NOTE: Change to the California, Connecticut, Mississippi, New  
Hampshire, Virginia, and Washington P. L. 94-171 Summary  
Files as delivered.

Geographic area	Total	Housing units		
		Total	Occupied	Vacant
Ohio	11,536,504	5,127,508	4,603,435	524,073
Portsmouth city	20,226	9,339	8,286	1,053

**EXHIBIT G**

**SBCA Effective Competition Tracking Report For Portsmouth**

## ECTR – Effective Competition Tracking Report



Provided by  
Satellite Broadcasting and Communications Association

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Pursuant to Section 76.907(c) of the FCC Rules, and your effective competition tracking request dated March 22, 2013 please find the following Direct-to-Home (DTH) satellite subscriber numbers per zip code (and/or zip+4 where necessary). The provision and use of this Effective Competition Tracking Report is governed by and subject to the terms and conditions of the Agreement for Provision and Use of Confidential Data, between your company and SBCA.

Report Date: March 25, 2013

ZIP Codes	DTH Count
Requested total for Portsmouth, OH	1373

Data is current through 2/28/2013

Report Prepared by:  
Martin Esteves  
Manager, Membership and Data Management  
202-349-3630  
mesteves@sbca.org

Methodology: Direct-To-Home (DTH) subscriber data reflects aggregated DIRECTV and DISH Network residential subscriber totals. The following data collection procedures are applied by Members in the normal course of business: a) single accounts with multiple receivers are only counted once; b) commercial and test accounts are not included; c) each occupied unit served in a multiple dwelling unit building has been counted as a separate residential subscriber; d) zip codes are taken from service locations (not billing addresses, where different); e) inactive accounts are routinely removed; f) invalid (undeliverable) addresses have been corrected where known; g) courtesy or complimentary accounts are included; and h) zip code information for Members' subscribers is periodically updated to reflect changes to zip codes by the United States Postal Service.

---

**CERTIFICATE OF SERVICE**

I, Glenda Thompson, a secretary at the law firm of Edwards Wildman Palmer LLP, hereby certify that, on this 22nd day of April 2013, copies of the foregoing "Petition for Special Relief" were sent via first-class mail, postage prepaid, to the following:

William Lake, Esq.\*  
Chief, Media Bureau  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

William M. Wiltshire, Esq.  
Harris, Wiltshire & Grannis LLP  
1200 Eighteenth Street, N.W., Suite 1200  
Washington, D.C. 20036-2506  
*Counsel for DirecTV, Inc.*

Pantelis Michalopoulos, Esq.  
Steptoe & Johnson LLP  
1330 Connecticut Avenue, N.W.  
Washington, D.C. 20036  
*Counsel for EchoStar Communications Corp.*

Gerald J. Duffy  
Blooston, Mordkofsky, Dickens, Duffy &  
Prendergast, LLP  
2120 L Street, NW, Suite 300  
Washington, DC 20037  
*Counsel for Horizon Telephone*

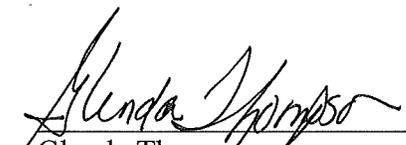
Village Clerk  
Frankfort Village  
294 N. Main St.  
Frankfort, OH 45628

City Clerk  
City of Chillicothe  
35 S Paint St  
Chillicothe, OH 45601

Village Clerk  
Bainbridge Village  
225 S. Quarry St.  
Bainbridge, OH 45612

City Clerk  
City of Portsmouth  
728 Second St  
Portsmouth, OH 45662

\*Via hand delivery

  
Glenda Thompson